

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LR 9004-2(c)

CUTOLO BARROS LLC
46-50 Throckmorton Street
Freehold, NJ 07728
(732) 414-1170
Jennifer M. Kurtz, Esq.
Attorneys for Alfred Vail Mutual Association

In re:

Maryellen McNama-Bailly ,
Debtor.

Chapter 13

Case No. 21-17879-MBK

Judge: Michael B. Kaplan, U.S.B.J.

Hearing: January 11, 2023 (9:00 am)

**NOTICE OF MOTION OF ALFRED VAIL MUTUAL ASSOCIATION TO WITHDRAW
PROOF OF CLAIM**

PLEASE TAKE NOTICE that Alfred Vail Mutual Association (the “Association”), by and through its attorneys, Cutolo Barros LLC, filed a Motion (the “Motion”) for an Order (the “Order”) withdrawing the Association’s Proof of Claim #10.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date:

Clerk of the United States Bankruptcy Court
402 East State Street
Trenton, NJ 08608

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the hearing date stated above.

You must also mail copies of your response to:

Albert Russo, Standing Chapter 13 Trustee
PO Box 4853
Trenton, NJ 08650

AND

Cutolo Barros LLC
46-50 Throckmorton Street
Freehold, New Jersey 07728
Attn: Jennifer M. Kurtz, Esq.

Movant waives Oral Argument. If Opposition is filed, a hearing will be held on the date set forth above before United States Bankruptcy Judge, Honorable Michael B. Kaplan, U.S.B.J. at the United States Bankruptcy Court, Courtroom #8, 402 East State Street, Trenton, NJ 08608.

Cutolo Barros LLC
Attorneys for Alfred Vail Mutual Association

By: *Jennifer M. Kurtz*
JENNIFER M. KURTZ, ESQ.

Dated: 12/15/22

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LR 9004-2(c)

CUTOLO BARROS LLC
46-50 Throckmorton Street
Freehold, NJ 07728
(732) 414-1170
Jennifer M. Kurtz, Esq.
Attorneys for Alfred Vail Mutual Association

In re:

Maryellen McNama-Bailly ,

Debtor.

Chapter 13

Case No. 21-17879-MBK

Judge: Michael B. Kaplan, U.S.B.J.

Hearing: January 11, 2023 (9:00 am)

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

As set forth in the accompanying Certification of Counsel, the within Notice of Motion requests an Order Withdrawing Alfred Vail Mutual Association's (the "Association") Proof of Claim #10.

In accordance with D.N.J. LBR 9013-1(a)(3), it is therefore respectfully submitted that no brief is necessary for the Court's consideration of the within Motion, as it does not involve complicated questions of fact or unique questions of law.

Cutolo Barros LLC
Attorneys for Alfred Vail Mutual Association

By: Jennifer M. Kurtz
JENNIFER M. KURTZ, ESQ.

Dated: 12/15/22

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LR 9004-2(c)

CUTOLO BARROS LLC
46-50 Throckmorton Street
Freehold, NJ 07728
(732) 414-1170
Jennifer M. Kurtz, Esq.
Attorneys for Alfred Vail Mutual Association

In re:

Maryellen McNama-Bailly ,

Debtor.

Chapter 13

Case No. 21-17879-MBK

Judge: Michael B. Kaplan, U.S.B.J.

Hearing: January 11, 2023 (9:00 am)

**CERTIFICATION OF JENNIFER M. KURTZ, ESQ. IN SUPPORT OF MOTION TO
WITHDRAW PROOF OF CLAIM #10**

I, **JENNIFER M. KURTZ, ESQ.**, certify and state:

1. I am an attorney at law of the State of New Jersey and am associated with the law firm of Cutolo Barros, LLC, attorneys for Creditor Alfred Vail Mutual Association (the "Association"). I am fully familiar with the facts set forth herein. I make this Certification in support of the Association's Motion to Withdraw Proof of Claim #10.

2. By Order entered on September 1, 2022, the Association was granted relief from the Automatic Stay, with the Court ruling, in relevant part, that Debtor has no present interest in the membership certificate held by Debtor's late husband with regard to 125 Belshaw Avenue, Shrewsbury Township, New Jersey 07724, a Unit within the Association (the "Unit"). Accordingly, the Court ruled that the Association had no claim against Debtor's Bankruptcy estate for the arrearages associated with the Unit and was entitled pursue the arrearages in the state court.

3. Debtor had filed an objection to the Association's Proof of Claim, which was denied without prejudice on September 1, 2022.

4. Accordingly, pursuant to Fed.R.Bankr. P. 3006, leave of this Court is required to withdraw the Association's Proof of Claim #10.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 12/15/22

/s/ *Jennifer M. Kurtz*
Jennifer M. Kurtz

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LR 9004-2(c)

CUTOLO BARROS LLC
46-50 Throckmorton Street
Freehold, NJ 07728
(732) 414-1170
Jennifer M. Kurtz, Esq.
Attorneys for Alfred Vail Mutual Association

In re:

Maryellen McNama-Bailly ,

Debtor.

Chapter 13

Case No. 21-17879-MBK

Judge: Michael B. Kaplan, U.S.B.J.

Hearing: January 11, 2023 (9:00 am)

**ORDER GRANTING MOTION OF ALFRED VAIL MUTUAL ASSOCIATION TO
WITHDRAW PROOF OF CLAIM #10**

The Relief set forth on page 2 is hereby **ORDERED**.

Page 2

Debtor: Maryellen McNama-Bailly

Case No.: 21-17879-MBK

Caption of Order: Order Granting Motion of Alfred Vail Mutual Association to Withdraw Proof of Claim #10

**ORDER GRANTING MOTION OF ALFRED VAIL MUTUAL ASSOCIATION TO
WITHDRAW PROOF OF CLAIM #10**

1. **ORDERED** that Alfred Vail Mutual Association (the “Association”) is hereby granted leave to withdraw Proof of Claim #10.

2. **ORDERED** that Proof of Claim #10 is hereby withdrawn.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LR 9004-2(c)

CUTOLO BARROS LLC
46-50 Throckmorton Street
Freehold, NJ 07728
(732) 414-1170
Jennifer M. Kurtz, Esq.
Attorneys for Alfred Vail Mutual Association

In re:

Maryellen McNama-Bailly ,
Debtor.

Chapter 13

Case No. 21-17879-MBK

Judge: Michael B. Kaplan, U.S.B.J.

Hearing: January 11, 2023 (9:00 am)

CERTIFICATION OF SERVICE

1. I, Jennifer M. Kurtz, Esq.:

represent the creditor in this matter.

2. On December 16, 2022, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: Motion to Withdraw Proof of Claim.

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 12/16/22

/s/ Jennifer M. Kurtz
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
R. Cameron Legg, Esq. Oliver and Legg, LLC 2240 Highway 33 Neptune, New Jersey 07753	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/R.R.R. <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Albert Russo, Trustee CN 4853 Trenton, New Jersey 08650	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/R.R.R. <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)